

REMARKS

Double Patenting

[1-2]. Claims **1, 6, 11-13, 22** and **26-27** are rejected under the judicially doctrine of obviousness-type double patenting as being un-patentable over claims **1-3, 5, 7-9, 11** and **13** of US Patent No. 6,766,760.

In reply, the Applicant files with this reply a terminal disclaimer to obviate the double patenting rejection for claims **1, 6, 11-13, 22** and **26-27** over US Patent Application No. 6,766,760.

Drawings

[3]. The drawings are objected to because reference character 112 has been used to designate both opening and round edges.

In reply, the Applicant herein submits corrections to the specification and replacement sheets for Figures 1-2. Accordingly, the amendment to the figures and specification makes this objection moot.

[4]. The drawings are objected to because they include reference characters 210 and 660 are not mentioned in the description.

In reply, the Applicant would like to point out that 210 is mentioned on page 8, line 8 of the description. This objection should therefore be withdrawn.

Furthermore, the specification has been amended to include reference character 660 on page 14. Accordingly, the amendment to the specification makes this objection moot.

Specification

[5]. The use of the Trademark 3M has been noted in the application.

In reply, the Applicant has amended the specification on page 9 and deleted the Trademark reference. Furthermore, the Applicant has canceled claims **9**, **25** and **41**. Accordingly, the amendments to the specification and claims make this objection moot.

[6]. The specification is objected to because 510 should be 520 to match the Figure 5.

In reply, the Applicant herein submits a replacement sheet for Figure 5 including proper reference to 510. Accordingly, the amendment to Figure 5 makes this objection moot.

CLAIM REJECTION, 35 USC 103

[7-8]. Claims **1-7, 9-11, 13-23, 25** and **26** were rejected under U.S.C. 103(a) as being unpatentable over *Kwok* (U.S. Patent No. 5,488,792) in view of *Barnard* (U.S. Patent No. 4,256,050).

In reply, the Applicant has amended independent claims **1** and **13** without any prejudice and without adding new matter or raising new issues to proceed to an allowance. Claims **3** and **15** were amended to correct antecedent basis. Claims **2, 14** and **18** are canceled from the application. These amendments render the rejections moot.

[9]. Claims **8** and **24** were rejected under U.S.C. 103(a) as being unpatentable over *Kwok* (U.S. Patent No. 5,488,792) in view of *Barnard* (U.S. Patent No. 4,256,050) and further in view of *Ahn* (U.S. Patent No. 5,888,016).

In reply, the Applicant has amended independent claims **1** and **13** without any prejudice and without adding new matter or raising new issues to proceed to an allowance. These amendments render the rejections moot since claims **8** and **24** depend from independent claims **1** and **13** respectively.

[10]. Claims **12, 27-39** and **41-45** were rejected under U.S.C. 103(a) as being unpatentable over *Kwok* (U.S. Patent No. 5,488,792) in view of *Barnard* (U.S. Patent No. 4,256,050) and further in view of *Johnson* (U.S. Patent No. 6,119,621).

In reply, the Applicant has amended independent claims **1**, **13** and **28** without any prejudice and without adding new matter or raising new issues to proceed to an allowance. These amendments render the rejections moot.

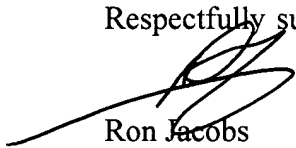
[11]. Claim **40** was rejected under U.S.C. 103(a) as being unpatentable over *Kwok* (U.S. Patent No. 5,488,792) in view of *Barnard* (U.S. Patent No. 4,256,050) and further in view of *Johnson* (U.S. Patent No. 6,119,621) and further in view of *Ahn* (U.S. Patent No. 5,888,016).

In reply, the Applicant has amended independent claim **28** without any prejudice and without adding new matter or raising new issues to proceed to an allowance. This amendment renders the rejection moot since claim **40** depends from independent claim **28**.

CONCLUSION

Applicant respectfully submits that the claims now in the application are not obvious with respect to the prior art of record. Accordingly, allowance of the claims now in the application is kindly requested. The Examiner is sincerely invited to contact undersigned to discuss the application to expedite an allowance.

Respectfully submitted,



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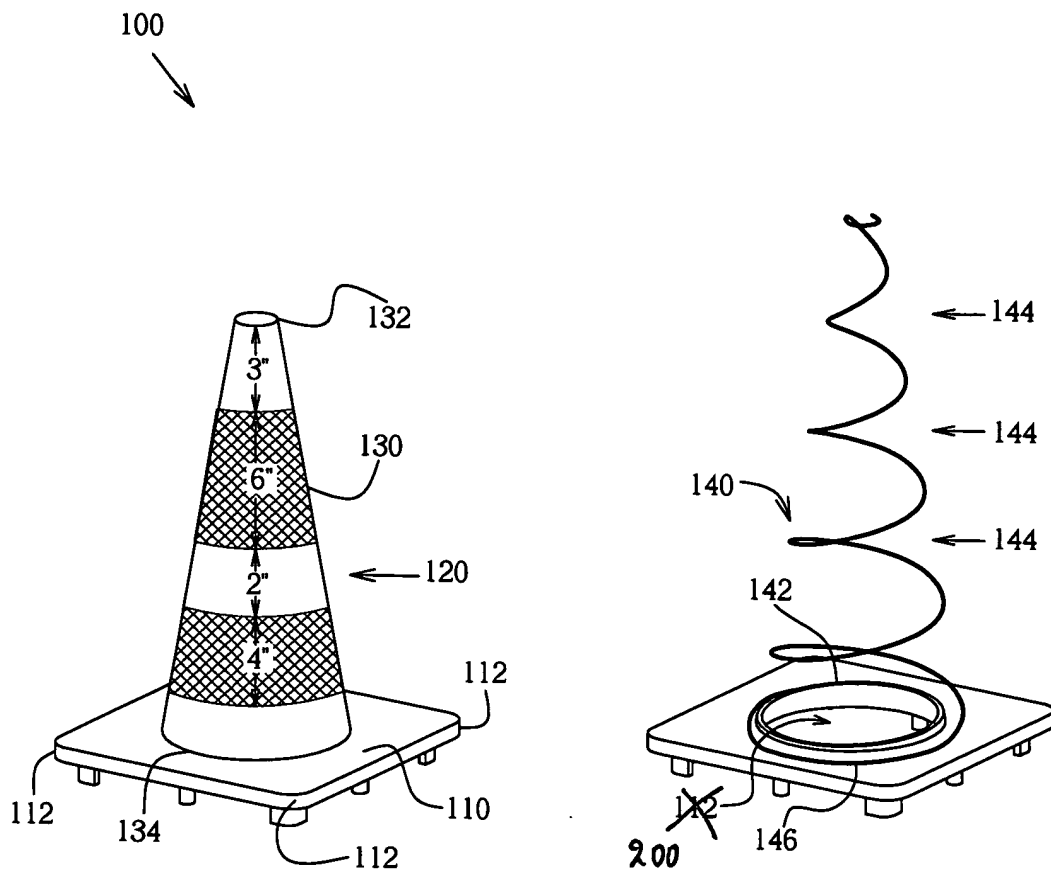


Fig. 1

Annotated Marked-up Drawing



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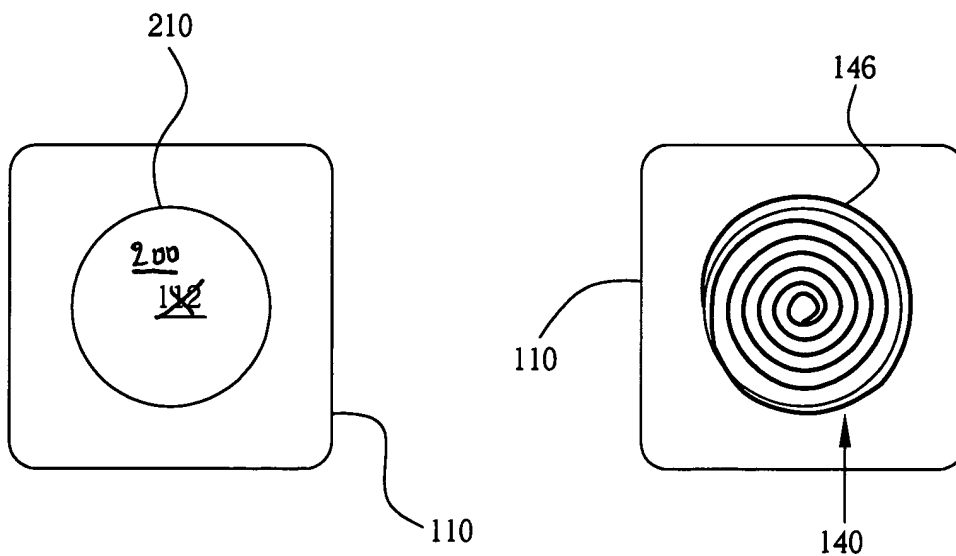


Fig. 2

Annotated Marked-up Drawing



Title: A Flexible Marker Device, Appl. No.: 10/763,399
Inventors: Guadalupe C. Garcia., Docket No.: GCG-102/CIP

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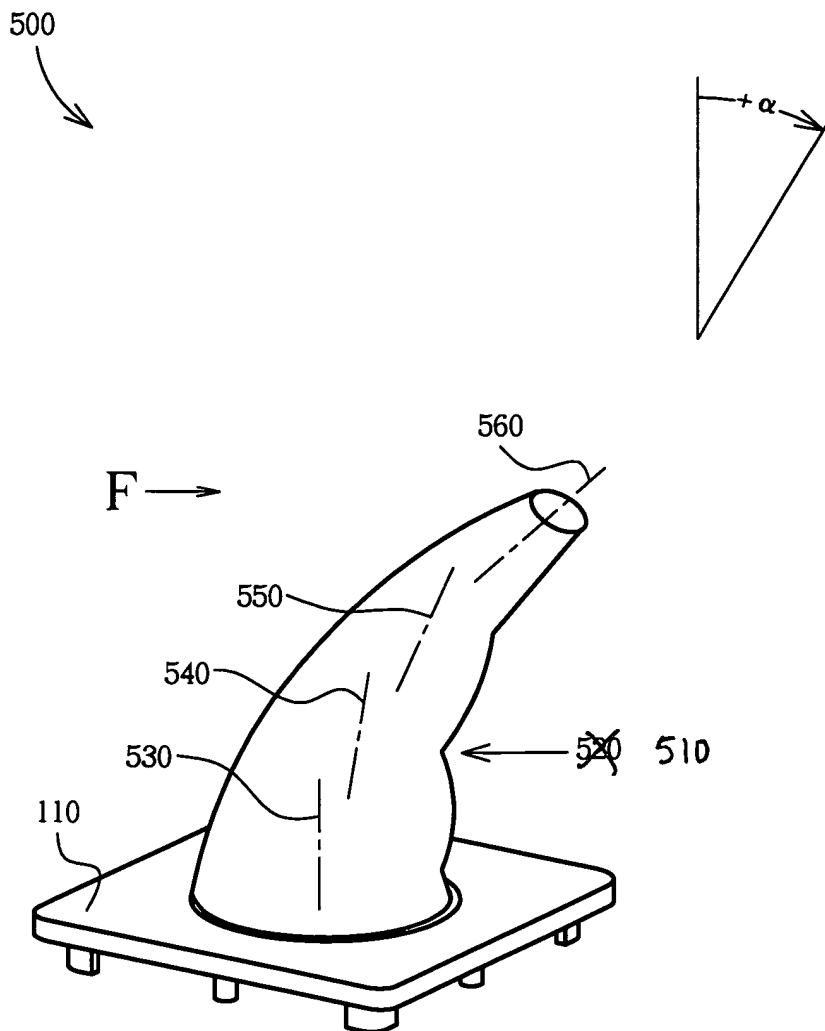


Fig. 5

Annotated Marked-up Drawing